

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: AMERICAN MEDICAL SYSTEMS, INC.
PELVIC SUPPORT SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL 2325

Pamela Will v. C.R. Bard, Inc., et al.

2:15-cv-07440

MEMORANDUM OPINION AND ORDER

Pending is Defendants Johnson & Johnson and Ethicon, Inc.'s ("Ethicon defendants") Motion to Dismiss with Prejudice for Lack of a Plaintiff Fact Sheet, filed on July 16, 2019. [ECF No. 20]. The Ethicon defendants cite to plaintiff's failure to timely serve a Plaintiff Fact Sheet ("PFS") in violation of the court's Pretrial Orders. In response, plaintiff's counsel stated that he has been unable to obtain plaintiff's compliance, despite repeated attempts. [ECF No. 21]. On July 31, 2019, the remaining defendants, C.R. Bard, Inc. ("Bard") and Sofradim Production SAS ("Sofradim") joined in the motion. [ECF No. 22].

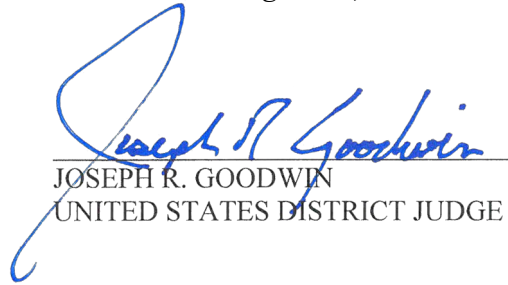
The court finds, pursuant to Rules 16 and 37 of the Federal Rules of Civil Procedure and after weighing the factors identified in *Wilson v. Volkswagen of Am., Inc.*, 561 F.2d 494, 503-06 (4th Cir. 1977), this case should be dismissed without prejudice for failure to provide a PFS in compliance with the court's previous orders.

Therefore, the court **ORDERS** that the Ethicon defendants' motion to dismiss, [ECF No. 20] joined by Bard and Sofradim [ECF No. 22] is **GRANTED in part** to the extent the Ethicon defendants, Bard and Sofradim seek dismissal and **DENIED**

insofar as these defendants seek dismissal with prejudice. The court **ORDERS** that the case is dismissed without prejudice and stricken from the court's docket.

The court **DIRECTS** the Clerk to send a copy of this order to counsel of record.

ENTER: August 9, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE